

1 LEONARD TACHNER, A PROFESSIONAL LAW CORPORATION  
2 Leonard Tachner, Esq. (State Bar No. 058436)  
3 17961 Sky Park Circle, Suite 38-E  
Irvine, California 92614-6364  
(949) 752-8525 Telephone  
(949) 955-2415 Telefax

4 Attorney for Plaintiff  
5  
6  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

COPY  
2011 AUG 30 PM 12:56  
CLERK'S DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
IRVINE, CALIFORNIA

FILED

9  
10 JAMES R. GLIDEWELL DENTAL  
CERAMICS, INC. DBA  
11 GLIDEWELL LABORATORIES, a  
California corporation,

12 Plaintiff  
13 vs.  
14 KEATING DENTAL ARTS, INC., a  
California corporation,

15  
16 Defendant.  
17  
18

Case No. **SACV11-01309-DOC(ANx)**

**COMPLAINT FOR  
(1) INFRINGEMENT OF  
FEDERALLY REGISTERED  
TRADEMARK,  
(2) FALSE DESIGNATION OF  
ORIGIN UNDER LANHAM ACT  
SECTION 43(a), AND  
(3) UNFAIR COMPETITION  
UNDER CALIFORNIA BUSINESS  
AND PROFESSIONS CODE,  
WITH EXHIBITS A-C**

**DEMAND FOR JURY TRIAL**

21  
22 For its Complaint, Plaintiff alleges as follows:  
23  
24

**PARTIES**

25 1. Plaintiff James R. Glidewell, Inc. dba Glidewell Laboratories  
26 (Plaintiff Glidewell) is a California corporation having its principal place of  
27 business at 4141 MacArthur Boulevard, Newport Beach, California 92660.  
28 Plaintiff Glidewell provides dental restorative products primarily to dentists.

Such products include bridges, caps, crowns, inlays, onlays and prostheses. Plaintiff Glidewell has been providing such dental products for about forty (40) years and has become one of the most successful and well-known restorative dental product providers in the United States. Plaintiff Glidewell is seeking monetary damages and injunctive relief with respect to the claims presented in this Complaint.

7       2.     Defendant Keating Dental Arts, Inc. (Defendant Keating) is a  
8 California corporation having its principal place of business at 16881 Hale  
9 Avenue, Irvine, California 92606. Defendant Keating also provides dental  
10 restorative products primarily to dentists and is a direct competitor of Plaintiff  
11 Glidewell by offering essentially the same products to essentially the same  
12 purchasers in the same market place. In addition, both Plaintiff Glidewell and  
13 Defendant Keating advertise in dental industry publications and present their  
14 respective products at dental industry trade shows.

## **JURISDICTION AND VENUE**

17       3.     This Court has subject matter jurisdiction over this Action  
18 pursuant to 28 U.S.C. §1331 and 1338(a) as it arises under Acts of Congress  
19 related to trademarks. Additionally, the Court has subject matter jurisdiction  
20 over the federal trademark infringement claim pursuant to 15 U.S.C. §1121.

21       4. This Court has personal jurisdiction over Defendant Keating as it  
22 is a resident of this judicial district and does business in this district including  
23 the acts of trademark infringement alleged herein.

24       5.     Venue is proper in this District under 28 U.S.C. §1331(b) in that  
25 Defendant Keating has its principal offices and has committed acts of  
26 infringement in this District.

### FACTUAL ALLEGATIONS

6. Plaintiff Glidewell has been selling dental bridges, dental caps, dental crowns, dental inlays, dental onlays and dental prostheses under the trademark BRUXZIR® in interstate commerce since at least June 2009.

7 Plaintiff Glidewell obtained U.S. Federal Trademark Registration of its mark BRUXZIR® under Registration No. 3,739,663 on the Principal Register on January 19, 2010 based on its application filed on June 12, 2009. A true and correct copy of its Registration No. 3,739,663 is attached to this Complaint as Exhibit A.

7. Since June 2009 Plaintiff Glidewell's use of its trademark BRUXZIR® has been continuous and without any periods of non-use. Plaintiff Glidewell has since June, 2009 amassed sales of BRUXZIR® dental restorative products in amounts of tens of millions of dollars throughout the United States and in numerous foreign countries.

8. In November 2009 Plaintiff Glidewell began selling dental ceramics in block form under the BRUXZIR® trademark. Such products are sold in pre-sintered condition, that is, they are sufficiently soft to be machinable by the customer and then hardened by final sintering after being milled or otherwise shaped into a dental restoration that is especially adapted to a particular patient's dental requirements. Since November 2009 Plaintiff Glidewell has been continuously selling such dental ceramics under the BRUXZIR® trademark in addition to the dental restorative products sold under the BRUXZIR® trademark since June 2009. Additional millions of dollars in sales of dental ceramics have contributed further to the extremely positive reputation of Plaintiff Glidewell's BRUXZIR® products in the dental industry.

1       9.     Defendant Keating has begun offering for sale dental restorative  
2 products under the trademark KDZ BRUXER. An advertisement that has  
3 already been published in ADA News (American Dental Association News)  
4 announcing Defendant Keating's introduction of dental prosthetic products  
5 under the KDZ BRUXER trademark is attached hereto as Exhibit B. Upon  
6 information and belief, Defendant Keating has made sales of such dental  
7 prosthetic products being advertised under their trademark. The extent of such  
8 sales by Defendant Keating is not currently known to Plaintiff Glidewell and  
9 will be ascertained during this Action.

10      10.   Upon information and belief, Defendant Keating has intentionally  
11 begun using the trademark "KDZ BRUXER" on virtually the same products  
12 being offered and sold to virtually the same market for the express purpose of  
13 creating a likelihood of public confusion and/or an initial interest confusion  
14 between Plaintiff Glidewell's BRUXZIR® dental products and Defendant  
15 Keating's KDZ BRUXER dental products. Moreover, upon information and  
16 belief, Defendant Keating's actions in regard to its trademark KDZ BRUXER  
17 are intended to dilute and diminish the value of Plaintiff's Glidewell's  
18 successful trademark BRUXZIR®, to the unfair benefit of Defendant Keating's  
19 directly competing products.

20      11.   In May 2011 Plaintiff Glidewell learned that Defendant Keating  
21 had filed an "intent-to-use" application with the U.S. Trademark Office to  
22 register the trademark KDZ BRUXER and design alleging that it intended to  
23 use that trademark on dental prosthetic products. Responsive thereto, Plaintiff  
24 Glidewell had its attorney send a letter dated May 31, 2011 to Defendant  
25 Keating's attorney of record. A copy of that letter is attached to this  
26 Complaint as Exhibit C. The letter expressly warns Defendant Keating  
27 through its attorney, that any actual use of that trademark on dental prostheses  
28

1 would be regarded as creating a likelihood of public confusion for which  
2 Plaintiff Glidewell would file this Action.

3                   **FIRST CAUSE OF ACTION – INFRINGEMENT OF A**  
4                   **FEDERALLY REGISTERED TRADEMARK**

5                 12. By this reference, Plaintiff Glidewell repeats and incorporates the  
6 allegations set forth in paragraphs 1 through 11 above.

7                 13. Defendant Keating has used in commerce the term KDZ  
8 BRUXER as a trademark in connection with advertising of, sale of, or offer to  
9 sell competing dental prostheses. Such use in relation to Plaintiff Glidewell's  
10 use of the BRUXZIR® trademark will likely cause confusion or mistake, or  
11 will likely deceive the relative purchasing public as to Defendant Keating's  
12 products being associating or identified with or being the same as those of  
13 Plaintiff Glidewell. Defendant Keating's advertising of its KDZ BRUXER  
14 trademark is intentionally designed to cause an initial confusion to attract the  
15 attention of dentist buyers who are previously aware of Plaintiff Glidewell's  
16 well-known trademark.

17                 14. Plaintiff Glidewell did not consent to or authorize Defendant  
18 Keating's adoption or commercial use of the KDZ BRUXER trademark for  
19 dental prostheses or any other goods or services.

20                 15. Defendant Keating therefore infringed Plaintiff Glidewell's  
21 BRUXZIR® trademark in violation of Plaintiff Glidewell's federal trademark  
22 rights under the Lanham Act, 15 U.S.C. §1051 et seq., particularly 15 U.S.C.  
23 §1114(1).

24                 16. Plaintiff Glidewell's BRUXZIR® trademark is strong in light of  
25 its substantial marketing and promotion of that trademark for its dental  
26 restorative and prosthetic products, its substantial sales volume of products  
27  
28

sold by Plaintiff Glidewell under that trademark, its acclaim and public recognition.

17. Upon information and belief, Defendant Keating knew at all times relevant to this Action, of Plaintiff Glidewell's prior adoption and prior widespread commercial use of the BRUXZIR® trademark in connection with Plaintiff Glidewell's dental products including those specified in the federal registration of Plaintiff Glidewell stated above. Defendant Keating's infringement of the BRUXZIR® trademark is therefore willful, knowing and deliberate.

18. Plaintiff Glidewell has no control over the composition or quality of the goods sold under the confusingly similar trademark by Defendant Keating. As a result, to the extent Defendant's products are inferior to Plaintiff Glidewell's products, Plaintiff Glidewell's valuable goodwill, developed at great expense and effort by Plaintiff Glidewell, is being harmed by Defendant Keating's unauthorized use of the confusingly similar trademark, and is at risk of further damage.

19. The goodwill of Plaintiff Glidewell's dental products business under the BRUXZIR® trademark is of enormous value and Plaintiff Glidewell will suffer irreparable harm, diminution of reputation and pecuniary damages should Defendant Keating's infringement be allowed to continue.

20. Defendant Keating's infringement will continue unless enjoined.

**SECOND CAUSE OF ACTION - FALSE DESIGNATION OF  
ORIGIN UNDER SECTION 43(a) OF THE LANHAM ACT**

21. Plaintiff Glidewell realleges and incorporates by reference paragraphs 1 through 20, as if set forth fully herein.

1       22. Defendant Keating has used and is using the infringing trademark  
2 KDZ BRUXER in commerce in connection with the advertising, sale, and  
3 provision of dental prostheses in such a manner as to create a likelihood of  
4 confusion among prospective purchasers and to unfairly compete with  
5 Plaintiff Glidewell. Defendant Keating's use of the infringing trademark  
6 induces purchasers and others to believe, contrary to the fact, that the products  
7 sold by Defendant Keating are rendered, sponsored or otherwise approved by,  
8 or connected with Plaintiff Glidewell. Defendant Keating's acts have  
9 damaged, impaired and diluted that part of Plaintiff Glidewell's goodwill  
10 symbolized by its trademark BRUXZIR® to Plaintiff Glidewell's immediate  
11 and irreparable damage.

12       23. Defendant Keating's unauthorized use of the infringing trademark  
13 in connection with the advertising, sale and provision of Defendant Keating's  
14 dental products constitutes use of a false designation of origin and a false  
15 description within the meaning of Section 43(a) of the Trademark Act of 1946,  
16 15 U.S.C. §1125(a).

17       24. Defendant Keating's acts of false designation of origin and false  
18 description have caused Plaintiff Glidewell irreparable injury, damage to its  
19 reputation and pecuniary damages. Unless enjoined by this Court, Defendant  
20 Keating will continue the acts of false designation of origin and false  
21 description complained of herein to Plaintiff Glidewell's immediate and  
22 irreparable damage.

23

24       **THIRD CAUSE OF ACTION – UNFAIR COMPETITION UNDER**  
25       **CALIFORNIA BUSINESS & PROFESSIONS CODE §17200 et seq.**

26       25. Plaintiff Glidewell realleges and incorporates by reference  
27 paragraphs 1 through 24, as if set forth fully herein.  
28

26. Defendant Keating's activities, as described above, constitute unfair competition in violation of California Business & Professions Code §17200, et seq. As alleged above, Defendant Keating has infringed and intends to continue infringing Plaintiff Glidewell's trademark.

27. Defendant Keating's activities are likely to confuse or mislead the public as to the origin of sponsorship of Defendant Keating's goods.

28. Defendant Keating has attempted and is attempting to trade on the goodwill associated with Plaintiff Glidewell's trademark.

29. Defendant Keating's wrongful acts have proximately caused and will continue to cause Plaintiff substantial injury, including loss of profits, confusion of potential customers, damage to Plaintiff Glidewell's goodwill and reputation, and diminution in the value of Plaintiff Glidewell's trademark.

30. In doing the acts alleged, Defendant Keating acted with a malicious intent, and as such, Plaintiff Glidewell is entitled to exemplary and punitive damages.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Glidewell demands judgment against Defendant Keating as follows:

A. For an order permanently enjoining Defendant Keating and its owners, officers, directors, agents, servants, attorneys and employees and all other persons acting in concert with them, from:

(1) committing any further acts of trademark infringement, including using the KDZ BRUXER name in connection with any dental products;

(2) using any term that is likely to be confused with the BRUXZIR® trademark asserted in this Complaint;

(3) representing directly or indirectly in any form or manner whatsoever that any product it offers for sale is associated with or approved by Plaintiff Glidewell when, in fact, it is not; and/or

(4) passing off or inducing or enabling others to sell or pass off any Keating product as a Glidewell product or as a product endorsed or approved by Plaintiff Glidewell.

B. For an order directing Defendant Keating to file with this Court and to serve on Plaintiff Glidewell within thirty (30) days after service on Defendant Keating of each injunction granted herein, or such extended period as the Court may direct, a report in writing, under oath, setting forth in detail the manner and form in which Defendant Keating has complied with the injunction and order of the Court;

C. For a judgment that Defendant Keating shall pay to Plaintiff Glidewell damages in an amount equal to all of the profits derived from the infringement of Plaintiff Glidewell's trademark together with an amount that Plaintiff Glidewell has been damaged as a result of such infringement;

D. For a judgment that Defendant Keating willfully and deliberately infringed Plaintiff Glidewell's rights and that this is an exceptional case entitling Plaintiff Glidewell to enhanced damages under the Trademark Laws of the United States;

E. For an award of costs, including attorney's fees, incurred in bringing this action;

F. For a judgment awarding to Plaintiff Glidewell prejudgment and postjudgment interest until the award is fully paid;

G. For such other and further relief as this Court may deem just and equitable under the circumstances.

1 Dated: 8/30/11

Respectfully submitted,

2 By:

3 Leonard Tachner  
4 Attorney for Plaintiff  
5 James R. Glidewell Dental Ceramics, Inc.  
6 Dba Glidewell Laboratories

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**DEMAND FOR JURY TRIAL**  
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5 Plaintiff hereby demands a trial by jury on all issues raised by the  
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7 Complaint that are triable by jury.  
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9  
10 Dated: 8/30/11

Respectfully submitted:

11 By:

12 Leonard Tachner  
13 Attorney for Plaintiff  
14 James R. Glidewell Dental Ceramics, Inc.  
15 Dba Glidewell Laboratories  
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United States of America  
United States Patent and Trademark Office

BRUXZIR

**Reg. No. 3,739,663** JAMES R. GLIDEWELL, DENTAL CERAMIC, INC. (CALIFORNIA CORPORATION), DBA  
Registered Jan. 19, 2010 GLIDEWELL LABORATORIES  
PROFESSIONAL SERVICES  
4141 MACARTHUR BLVD.  
**Int. Cl.: 10** NEWPORT BEACH, CA 92660

TRADEMARK FOR: DENTAL BRIDGES; DENTAL CAPS; DENTAL CROWNS; DENTAL INLAYS; DENTAL  
ONLAYS; DENTAL PROSTHESES , IN CLASS 10 (U.S. CLS. 26, 39 AND 44).  
PRINCIPAL REGISTER FIRST USE 6-6-2009, IN COMMERCE 6-6-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-761,757, FILED 6-17-2009.

KEVIN CORWIN, EXAMINING ATTORNEY



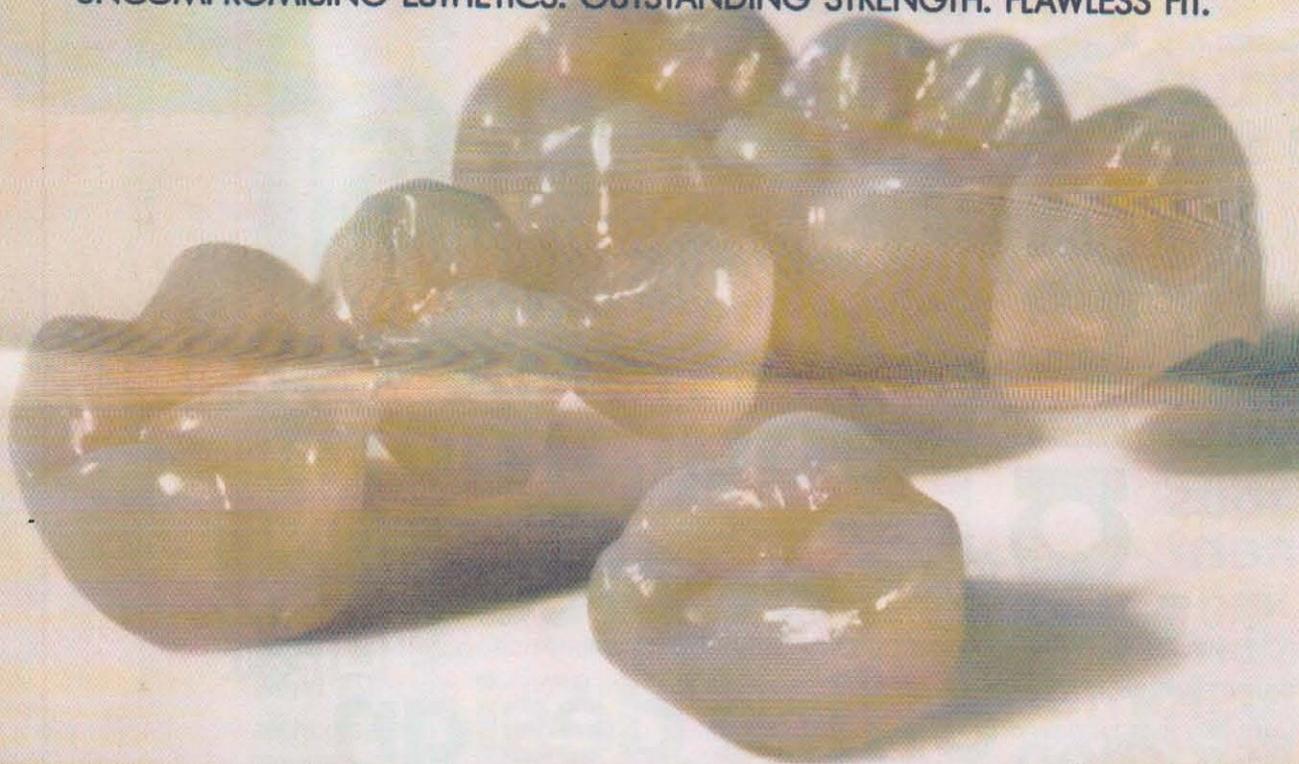
*David S. Kappos*

Director of the United States Patent and Trademark Office

EXHIBIT A (page 1 of 1)

# Zirconia evolved.

UNCOMPROMISING ESTHETICS. OUTSTANDING STRENGTH. FLAWLESS FIT.



## INTRODUCING THE ALL-NEW KDZ BRUXER. THE **BEST** FULL-CONTOUR ZIRCONIA SOLUTION AVAILABLE. EXCLUSIVELY FROM KEATING DENTAL ARTS.

The all-new KDZ Bruxer is so precise and predictable you can prep and rest assured that the job is done the first time, every time. Precision-milled and finished by hand, it fits and functions flawlessly.

### "BEST LOOKING

solid zirconia crown out there. The KDZ Bruxer is not just better than gold, these are better looking than some crowns I've received from other labs."

Dr. Ray Davis, Nantucket, MA

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### THE KDZ BRUXER:

- Replaces full-cast gold
- Is perfect for posterior bridges
- Is the esthetic choice



**FREE ADJUSTMENT & POLISHING KIT**  
A \$60 value with your first KDZ Bruxer case



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LEONARD TACHNER  
A PROFESSIONAL LAW CORPORATION  
REGISTERED PATENT ATTORNEY  
17961 SKY PARK CIRCLE  
SUITE 38-E  
IRVINE, CALIFORNIA 92614-6364

May 31, 2011

PATENTS  
TRADEMARKS  
COPYRIGHTS

TEL: (949) 752-8525  
FAX: (949) 955-2415

Thomas L. Gourde, Esq.  
Ray & Gourde, LLP  
111 Pacifica  
Suite 120  
Irvine, CA 92618

Re: Keating Dental Arts, Inc.  
Our Docket No. GLIDEWELL-190.

Dear Mr. Gourde:

I represent James R. Glidewell Dental Ceramic, Inc. dba Glidewell Laboratories of Newport Beach, California in regard to trademark matters. My client owns Federal Registration No. 3,739,663 for the mark BRUXZIR® (see enclosed) for dental bridges, dental caps, dental crowns, dental inlays, dental onlays and dental prostheses. My client has learned that Keating Dental Arts has filed an intent to use application for the mark KDZ BRUXER and design for use on dental prostheses and that you are the attorney of record in that application (see enclosed).

Glidewell management believes that KDZ BRUXER, when used in conjunction with dental prostheses or any type of dental restoration product, is likely to cause public confusion with Glidewell's registered mark. They have therefore authorized me to inform you of their intention to oppose the registration of the Keating mark if and when it is published and to assert their rights in the federal district court in the event that Keating is found to have actually used the KDZ BRUXER mark on dental prostheses.

Very truly yours,

Leonard Tachner  
Attorney at Law

LT/jf

Encl:

cc: Glidewell Laboratories

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

**SACV11-1309 DOC (ANx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

Western Division  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

Southern Division  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

Eastern Division  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**COPY**

## Name &amp; Address:

LEONARD TACHNER  
 LEONARD TACHNER, a professional law corp.  
 17961 Sky Park Circle, Suite 38-E  
 Irvine, CA 92614-6364  
 (949) 752-8525

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

JAMES R. GLIDEWELL DENTAL CERAMICS, INC.  
 DBA GLIDEWELL LABORATORIES, a  
 California corporation

CASE NUMBER

**SACV11-01309-DOC(ANx)**

PLAINTIFF(S)

KEATING DENTAL ARTS, INC., a  
 California corporation

**SUMMONS**

DEFENDANT(S).

TO: DEFENDANT(S): KEATING DENTAL ARTS, INC.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Leonard Tachner, whose address is 17961 Sky Park Circle, Suite 38-E, Irvine, CA 92614-6364. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated:

August 30, 2011

By:



(Seal of the Court)

1144

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

COP Y

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) <p>JAMES R. GLIDEWELL DENTAL CERAMICS, INC. DBA GLIDEWELL LABORATORIES, a California corporation</p>	<b>DEFENDANTS</b> <p>KEATING DENTAL ARTS, INC., a California corporation</p>																		
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) <p>Leonard Tachner, a professional law corp. 17961 Sky Park Circle, Suite 38-E Irvine, CA 92614 (949) 752-8525</p>	Attorneys (If Known)																		
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.) <p><input type="checkbox"/> 1 U.S. Government Plaintiff    <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant    <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <p>Citizen of This State    <input type="checkbox"/> PTF    <input type="checkbox"/> DEF    <input type="checkbox"/> 1    <input type="checkbox"/> 1    Incorporated or Principal Place of Business in this State <input checked="" type="checkbox"/> 4 <input checked="" type="checkbox"/> 4</p> <p>Citizen of Another State    <input type="checkbox"/> 2    <input type="checkbox"/> 2    Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5</p> <p>Citizen or Subject of a Foreign Country    <input type="checkbox"/> 3    <input type="checkbox"/> 3    Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6</p>																		
<b>IV. ORIGIN</b> (Place an X in one box only.) <p><input checked="" type="checkbox"/> 1 Original    <input type="checkbox"/> 2 Removed from State Court    <input type="checkbox"/> 3 Remanded from Appellate Court    <input type="checkbox"/> 4 Reinstated or Reopened    <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation    <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge</p>																			
<b>V. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) <b>CLASS ACTION under F.R.C.P. 23:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT: \$</b> _____																			
<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) <p style="text-align: center;"><b>15 U.S.C. Section 1121 Infringement of a federally registered trademark</b></p>																			
<b>VII. NATURE OF SUIT</b> (Place an X in one box only.) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;"> <b>OTHER STATUTES</b> <p><input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes</p> </td> <td style="width: 20%; padding: 5px;"> <b>CONTRACT</b> <p><input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise</p> </td> <td style="width: 20%; padding: 5px;"> <b>TORTS</b>  <b>PERSONAL INJURY</b> <p><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel &amp; Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> </td> <td style="width: 20%; padding: 5px;"> <b>TORTS</b>  <b>PERSONAL PROPERTY</b> <p><input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</p> </td> <td style="width: 20%; padding: 5px;"> <b>PRISONER PETITIONS</b> <p><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/ Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition</p> </td> <td style="width: 20%; padding: 5px;"> <b>LABOR</b> <p><input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting &amp; Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. 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Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes</p>	<b>CONTRACT</b> <p><input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise</p>	<b>TORTS</b> <b>PERSONAL INJURY</b> <p><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel &amp; Slander <input type="checkbox"/> 330 Fed. 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**SACV11-01309-DOC(ANx)**

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)
- A. Arise from the same or closely related transactions, happenings, or events; or
  - B. Call for determination of the same or substantially related or similar questions of law and fact; or
  - C. For other reasons would entail substantial duplication of labor if heard by different judges; or
  - D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
Orange	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
ORANGE	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):**

Date

8/30/11

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))